

House Amendment 8203

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1 1 Amend House File 2612 as follows:
1 2 #1. Page 13, by inserting before line 19 the
1 3 following:
1 4 <DIVISION ____
1 5 ACQUISITION OF PROPERTY
1 6 Sec. ____ Section 6A.1, Code 2007, is amended to
1 7 read as follows:
1 8 6A.1 EXERCISE OF POWER BY STATE.
1 9 1. Proceedings may be instituted and maintained by
1 10 the state of Iowa, or for the use and benefit thereof,
1 11 for the condemnation of such private property as may
1 12 be necessary for any public improvement which the
1 13 general assembly has authorized to be undertaken by
1 14 the state, and for which an available appropriation
1 15 has been made. The executive council shall institute
1 16 and maintain such proceedings in case authority to so
1 17 do be not otherwise delegated.
1 18 2. The authority granted in this section shall not
1 19 extend to the department of natural resources if the
1 20 department is seeking to acquire real property for
1 21 purposes of carrying out a duty related to development
1 22 and maintenance of the recreation resources of the
1 23 state, including planning, acquisition, and
1 24 development of recreational projects, and areas and
1 25 facilities related to such projects, notwithstanding
1 26 any provisions to the contrary.
1 27 Sec. ____ Section 455A.5, Code 2007, is amended by
1 28 adding the following new subsection:
1 29 NEW SUBSECTION. 7. The authority granted the
1 30 commission to acquire real property for purposes of
1 31 carrying out a duty related to development and
1 32 maintenance of the recreation resources of the state,
1 33 including planning, acquisition, and development of
1 34 recreational projects, and areas and facilities
1 35 related to such projects, shall not extend to the
1 36 authority to acquire land by eminent domain.
1 37 Sec. ____ Section 456A.24, subsection 2,
1 38 unnumbered paragraph 1, Code 2007, is amended to read
1 39 as follows:
1 40 Acquire by purchase, ~~condemnation,~~ lease,
1 41 agreement, gift, and devise lands or waters suitable
1 42 for the purposes hereinafter enumerated, and rights of
1 43 way thereto, and to maintain the same for the
1 44 following purposes, to wit:
1 45 Sec. ____ Section 456A.24, Code 2007, is amended
1 46 by adding the following new subsection:
1 47 NEW SUBSECTION. 15. The power granted the
1 48 department to acquire real property for any statutory
1 49 purpose relating to development and maintenance of the
1 50 recreation resources of the state, including planning,
2 1 acquisition, and development of recreational projects,
2 2 and areas and facilities related to such projects,
2 3 shall not extend to the authority to acquire land by
2 4 eminent domain.
2 5 Sec. ____ Section 461A.7, Code 2007, is amended to
2 6 read as follows:
2 7 461A.7 EMINENT DOMAIN PURCHASE OF LANDS == PUBLIC
2 8 PARKS.
2 9 The commission may purchase or condemn lands from
2 10 willing sellers for public parks. No A contract for
2 11 the purchase of such public parks shall not be made to
2 12 an amount in excess of funds appropriated therefor by
2 13 the general assembly.
2 14 Sec. ____ Section 461A.10, Code 2007, is amended
2 15 to read as follows:
2 16 461A.10 TITLE TO LANDS.
2 17 The title to all lands purchased, condemned, or
2 18 donated, hereunder, for park or highway purposes and
2 19 the title to all lands purchased, condemned, or
2 20 donated hereunder for highway purposes, shall be taken
2 21 in the name of the state and if thereafter it shall be
2 22 deemed advisable to sell any portion of the land so
2 23 purchased or condemned, the proceeds of such sale
2 24 shall be placed to the credit of the said public state

2 25 parks fund to be used for such park purposes.
2 26 Sec. _____. Section 463C.8, subsection 1, paragraph
2 27 k, Code 2007, is amended to read as follows:
2 28 k. The power to acquire, own, hold, administer,
2 29 and dispose of property, except that such power is not
2 30 a grant of authority to acquire property by eminent
2 31 domain.
2 32 Sec. _____. Sections 461A.9 and 461A.75, Code 2007,
2 33 are repealed.
2 34 Sec. _____. EFFECTIVE DATE. This division of this
2 35 Act, being deemed of immediate importance, takes
2 36 effect upon enactment.>
2 37 #2. By renumbering as necessary.
2 38
2 39
2 40 _____
2 41 GRASSLEY of Butler
2 42 HF 2612.202 82
2 43 sc/nh/11069